

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
| Wade Barkley Matthews,          | ) |                                |
|                                 | ) |                                |
| Plaintiff,                      | ) |                                |
|                                 | ) | Civil Action No. 9:12-2437-RMG |
| vs.                             | ) |                                |
|                                 | ) |                                |
| Carolyn W. Colvin, Acting       | ) |                                |
| Commissioner of Social Security | ) | <b>ORDER</b>                   |
| Administration,                 | ) |                                |
|                                 | ) |                                |
| Defendant.                      | ) |                                |
|                                 | ) |                                |
|                                 | ) |                                |
|                                 | ) |                                |

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Plaintiff has brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security denying his claim for Disability Insurance Benefits. In accord with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 DSC, this matter was referred to a United States Magistrate Judge for pre-trial handling. The Magistrate Judge issued a Report and Recommendation on October 2, 2013 recommending that the decision of the Commissioner be affirmed. (Dkt. No. 14). Plaintiff was advised that he had 14 days to file objections to the Report and Recommendation and that a failure to file timely objections would result in limited review by the District Court and waiver of the right to appeal an adverse decision of the District Court. (Dkt. No. 14 at 15). No timely objections were filed.

Where timely written objections are filed to a District Court from the Report and Recommendation of the Magistrate Judge, the District Court is commanded to make “a de novo determination of those portions of the report . . . to which objection is made.” 28 U.S.C. 636(b)(1). Where no timely written objection is made to a Report and Recommendation, the

District Court is required to undertake a review sufficient to determine if there is any clear error on the face of the Report and Recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The Court has reviewed the Report and Recommendation of the Magistrate Judge, the decision of the administrative law judge and the administrative record filed in this matter, and finds that the Report and Recommendation ably and accurately summarizes the factual and legal issues before the Court and concludes that the decision of the Commissioner is legally proper and is supported by substantial evidence. Therefore, the Court ADOPTS the Report and Recommendation as the order of this Court and AFFIRMS the decision of the Commissioner in this matter.

AND IT IS SO ORDERED.

  
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Richard Mark Gergel  
United States District Judge

October 15, 2013  
Charleston, South Carolina